

NEWS FROM ED MARKEY

United States Congress

Massachusetts Seventh District

FOR IMMEDIATE RELEASE

November 17, 2003

CONTACT: Israel Klein

or Jeff Duncan

(202) 225-2836

ENERGY BILL AN HISTORIC FAILURE FOR ENERGY SECURITY, CONSUMERS, AND ENVIRONMENT

WASHINGTON, DC: Rep. Edward J. Markey (D-MA), a senior Member of the House Energy and Commerce Committee and conferee for the Energy Bill, plans to offer, if permitted, several important amendments to improve the Republican-crafted energy legislation in the second and final conference committee meeting today. While Rep. Markey was told by Chairman Peter Domenici (R-NM) that there was no time on the agenda for amendments from Democratic House members, the adoption of amendments today on the Senate side now appears to require the approval of the amended Senate version of the Conference Report.

"The American people, their representatives, environmental, and public interest groups should have a seat at the table when historic and comprehensive energy legislation is being discussed. Instead, the Republican leadership has crafted an energy that is for the energy companies, by the energy companies, and of the energy companies. This energy bill will be an historic failure for our nation's energy security, American consumers, and our environment."

Rep. Markey's amendments are as follows:

1. Restore Nuclear Security provisions:

- a. Mandatory NRC Rulemaking to upgrade security at civilian nuclear facilities
- b. Secure the transfer or transportation of nuclear materials
- c. Unreasonable Risk Consultation

2. Clean Air: Strike the Clean Air Act language in section 1443 of the bill that allows certain cities with dirty air to avoid provisions of the Act that require them to clean up their air.

3. Electricity consumer protection: Grant FERC authority to issue rules to protect utility consumers from utility holding company abuses through "ring fencing" protections that require legal and financial separation of utility and non-utility businesses and protections against cross-subsidization and self-dealing.

4. Close Hummer tax loophole: Closes the existing \$100,000 Hummer tax loophole that is estimated to cost \$1.3 billion over the next decade.

5. Restore House DOE and NRC Whistleblower protections: Restores language granting stronger whistleblower protections to DOE and NRC employees that was dropped in the conference report, as well as a provision preventing whistleblowers from going to court for 540 days (we take it back down to House-passed 180 days).

6. **Strike Weakening of HEU export controls:** strikes language weakening export controls on Highly Enriched Uranium which provide that such exports may only take place if the recipient agrees to convert to low enriched uranium for fuel for targets as soon as technically and economically feasible
7. **Strike native load protection:** strikes provisions allowing utilities to engage in undue discrimination or preferential treatment with respect to their transmission lines.
8. **Strike incentive ratemaking:** strikes provisions directing FERC to adopt rules allowing utilities to charge higher "incentive" rates.
9. **Strike anticompetitive participant funding:** Provision that allows utility monopolies to pressure generation companies or consumers to pay all the costs of building new transmission.
10. **NRC rulemaking on decommissioning funds:** Requires NRC to issue rules requiring licensees to establish decommissioning funds.
11. **Strike CEA Anti-fraud weakening language:** Strike language that increases the CFTC's burden of proof in bringing anti-fraud cases.
12. **Preserve FERC authority:** strikes bill language preventing FERC from getting direct access to trading information relating to market participants who are also regulated by the CFTC.
13. **Strike Small Nuclear Reactors:** strikes language authorizing research and development on small nuclear reactors for developing countries.
14. **Strike Advanced Reactor Hydrogen Co-Generation:** strikes the \$1.1 billion authorization for a nuclear reactor in Idaho.
15. **Nuclear security:** Replace the nuclear security language with the language of the bipartisan Inhofe bill that was approve by the Senate Environment and Public Works Committee last summer.
16. **Strike Genomes to Life language:** To authorize research on how to employ the properties of plants, microbes and genomes in the war on terrorism and national security.

#